

AGENDA

BOARD OF DIRECTORS

Cheryl Cox, Chair

Steve Castaneda

Paul Desrochers

Chris Lewis

John McCann

Doug Paul

Rudy Ramirez

Jerry Rindone

Christopher Rooney

OFFICERS

Jim Thomson, Interim CEO

Maria Kachadoorian, CFO

Ann Moore, General Counsel

Ann Hix, Secretary

REGULAR MEETING OF THE CHULA VISTA REDEVELOPMENT CORPORATION (CVRC) AND REDEVELOPMENT AGENCY AND ADJOURNED REGULAR MEETING OF THE CITY COUNCIL

Thursday, May 24, 2007, 6:00 p.m.

COUNCIL CHAMBERS
276 FOURTH AVENUE
CHULA VISTA, CA 91910

CALL TO ORDER

CVRC ROLL CALL

Directors Castaneda, Desrochers, Lewis, McCann, Paul, Ramirez, Rindone, Rooney and Chair Cox

CITY COUNCIL/REDEVELOPMENT AGENCY ROLL CALL

Council/Agency Members Castaneda, McCann, Ramirez, Rindone, and Mayor/Chair Cox

PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE

PUBLIC HEARINGS

The following items(s) have been advertised as public hearings as required by law. If you wish to speak on any item, please fill out a "Request to Speak" form (available in the lobby) and submit it to the Clerk prior to the meeting.

1. CONSIDERATION OF DRC-06-65, SAV-ON STORAGE OFFICE AND STORAGE BUILDINGS AT 3712 MAIN STREET

This property comprises an office and storage complex on a portion of a 4.78 acre site located at 3712 Main Street adjacent to the northwest corner of the intersection of Hilltop Drive and Main Street. The project will include approximately 10,400 square feet of office and storage facilities.

Staff Recommendation:

That the CVRC adopt the following resolution.

1A. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION APPROVING DESIGN REVIEW PERMIT (DRC-06-65) TO ALLOW THE CONSTRUCTION OF 10,400 SQUARE FEET OF OFFICE AND STORAGE SPACE ASSOCIATED WITH THE EXISTING SAVON STORAGE BUSINESS LOCATED AT 3712 MAIN STREET

- 2. CONSIDERATION OF THE 2007 MIDTERM REVIEW OF THE REDEVELOPMENT AGENCY'S ADOPTED FIVE YEAR IMPLEMENTATION PLAN (2005-2009) FOR THE MERGED BAYFRONT/TOWN CENTRE REDEVELOPMENT PROJECT AREA (INCLUDING BAYFRONT AND TOWN CENTRE I) AND THE MERGED CHULA VISTA REDEVELOPMENT PROJECT AREA (INCLUDING TOWN CENTRE II, SOUTHWEST, OTAY VALLEY AND ADDED AREA)**

State redevelopment law (Health & Safety Code Section 33490(c)) requires the Redevelopment Agency, during the third year of its Five Year Implementation Plan, to hold a public hearing and conduct a midterm review of the progress made within the Agency's project areas. A comprehensive Midterm Review evaluating past and future annual work programs has been prepared for consideration by the CVRC and Agency.

Staff Recommendation:

That the CVRC adopt the following resolution:

2A. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION MAKING RECOMMENDATION TO THE CHULA VISTA REDEVELOPMENT AGENCY TO APPROVE THE 2007 MIDTERM REVIEW OF THE REDEVELOPMENT AGENCY'S ADOPTED FIVE YEAR IMPLEMENTATION PLAN FOR THE 2005-2009 FIVE YEAR PERIOD FOR THE MERGED BAYFRONT/TOWN CENTRE I REDEVELOPMENT PROJECT AREA (INCLUDING BAYFRONT AND TOWN CENTRE I) AND THE MERGED CHULA VISTA REDEVELOPMENT PROJECT AREA (INCLUDING TOWN CENTRE II, SOUTHWEST, OTAY VALLEY, AND ADDED AREA)

Staff Recommendation:

That the Redevelopment Agency adopt the following resolution:

2B. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT AGENCY APPROVING THE 2007 MIDTERM REVIEW OF THE REDEVELOPMENT AGENCY'S ADOPTED FIVE YEAR IMPLEMENTATION PLAN FOR THE 2005-2009 FIVE YEAR PERIOD FOR THE MERGED BAYFRONT/TOWN CENTRE I

REDEVELOPMENT PROJECT AREA (INCLUDING BAYFRONT AND TOWN CENTRE I) AND THE MERGED CHULA VISTA REDEVELOPMENT PROJECT AREA (INCLUDING TOWN CENTRE II, SOUTHWEST, OTAY VALLEY, AND ADDED AREA)

PUBLIC COMMENTS

Persons speaking during Public Comments may address the CVRC and/or RDA on any subject matter within the CVRC and/or RDA's jurisdiction that is not listed as an item on the agenda. State law generally prohibits the CVRC and/or RDA from taking action on any issue not included on the agenda, but, if appropriate, the CVRC and/or RDA may schedule the topic for future discussion or refer the matter to staff. Comments are limited to three minutes

ACTION ITEMS

3. REPORT ON CVRC STRUCTURE REORGANIZATION

At the March 22, 2007 joint meeting of the Chula Vista Redevelopment Corporation, the Redevelopment Agency and the City Council, the City Council and the Redevelopment Agency accepted the recommendation of the Council Subcommittee on the structure of the CVRC and directed staff to prepare the necessary amending documents to remove the City Council members from the CVRC Board of Directors. These documents include the CVRC Articles of Incorporation and Bylaws, and Chapter 2.55 of the Municipal Code.

Staff Recommendation:

That the CVRC adopt the following resolutions:

3A. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION CITY DIRECTORS AMENDING THE CVRC ARTICLES OF INCORPORATION TO REMOVE THE CITY COUNCIL MEMBERS FROM THE CVRC BOARD OF DIRECTORS

3B. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION AMENDING THE CVRC BYLAWS TO REMOVE THE CITY COUNCIL MEMBERS FROM THE CVRC BOARD OF DIRECTORS

That the CVRC and the Redevelopment Agency adopt the following resolution:

3C. RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION AND THE CHULA VISTA REDEVELOPMENT AGENCY RECOMMENDING THAT THE CITY COUNCIL AMEND CHAPTER 2.55, SECTION 2.55.090 OF THE CHULA VISTA MUNICIPAL CODE TO REMOVE THE CITY COUNCIL MEMBERS FROM THE CVRC BOARD OF DIRECTORS

That the **City Council** place the following ordinance on first reading:

3D. ORDINANCE OF THE CHULA VISTA CITY COUNCIL AMENDING CHAPTER 2.55, SECTION 2.55.090 OF THE CHULA VISTA MUNICIPAL CODE TO REMOVE THE CITY COUNCIL MEMBERS FROM THE CVRC BOARD OF DIRECTORS

4. CHIEF EXECUTIVE OFFICER'S REPORT

5 CHAIR'S REPORT

- a. Revised CVRC Board of Directors Application Form

6. DIRECTORS' COMMENTS

ADJOURNMENT

The Chula Vista Redevelopment Corporation/Redevelopment Agency will adjourn to its regularly scheduled meeting on June 14, 2007 at 6:00 p.m.

The Chula Vista City Council will adjourn to its regularly scheduled meeting on June 5, 2007 at 4:00 p.m.

**In compliance with the
AMERICANS WITH DISABILITIES ACT**

The Chula Vista Redevelopment Corporation requests individuals who require special accommodations to access, attend, and/or participate in a CVRC meeting, activity, or service request such accommodation at least forty-eight hours in advance for meetings and five days for scheduled services and activities. Please contact the Community Development Department for specific information at (619) 691-5047, or Telecommunications Devices for the Deaf (TDD) at (619) 585-5655. California Relay Service is also available for the hearing impaired.

DATE: May 24, 2007

TO: CVRC Board Directors

VIA: Jim Thomson, Interim Chief Executive Officer
Ann Hix, Acting Director of Community Development *AH*

FROM: Mary Ladiana, Planning Manager *ML*

SUBJECT: Public Hearing to Consider DRC-06-65, Sav-On Storage office and storage buildings at 3712 Main Street

Project Area:	Merged Chula Vista Redevelopment Project Area
Developer:	Mestler Construction, Inc.
Project Site:	3712 Main Street
Project Type:	Design Review
Project Description:	Office and storage complex on a portion of a 4.78-acre site located at 3712 Main Street adjacent to the northwest corner of the intersection of Hilltop Drive and Main Street. The project will include approximately 10,400 square feet of office and storage facilities.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA). The project qualifies for a Class 32 categorical exemption pursuant to Section 15332 (In-fill Development Projects) of the State CEQA Guidelines. Thus, no further environmental review is necessary.

RECOMMENDATION:

That the Chula Vista Redevelopment Corporation adopt a resolution:

- 1) Approving Design Review (DRC-06-65), subject to the list of conditions in the CVRC Resolution.

BOARDS/COMMISSIONS RECOMMENDATIONS

The project was first presented to the Redevelopment Advisory Committee (RAC) at its meeting of November 2, 2006. In response to comments made by staff and the RAC at the first review meeting the applicant made numerous changes to the site plan to address ADA access, decorative fencing, widening of driveways and removal of proposed Building "D". The project was reviewed for a second time by the RAC on February 1, 2007. The RAC voted 7-0 to support the design of the project with a recommendation to continue to work with the applicant regarding landscaping in the back vehicle storage area.

DECISION MAKER CONFLICTS:

Staff has reviewed the property holdings of the CVRC Board and has found no property holdings within 500 feet of the boundaries of the property which is the subject of this action.

DISCUSSION:

1. Project Description

The applicant, Mestler Construction, Inc. has submitted a design review application (DRC-06-065) for a project office and storage uses at 3712 Main Street in Southwest Chula Vista. The project proposes a new office building and two new storage buildings, and consists of a total 10,400 square foot expansion of the existing building footprint on the site. The site currently contains an existing office building and thirteen storage buildings. The storage buildings are located to the rear of the property and are to remain. The existing office building located at the southwest corner of the site is to be demolished and replaced in a centrally located portion of the property. Other site improvements include parking, landscaping, and circulation.

The project site is approximately 4.78 acres and is zoned Limited Industrial Zone (ILP) with a General Plan land use designation of Limited Industrial (IL). The existing and proposed uses are permitted uses in the ILP zone. The design of the project is subject to the provisions of the City of Chula Vista Design Manual and Landscaping Manual. Only the proposed new construction and site design of the adjacent area are subject to design review.

2. Site Location and Surrounding Uses

The subject property consists of a single lot located adjacent to the northwest corner of the intersection of Hilltop Drive and Main Street. Existing uses adjacent to the subject site include the following:

North	Single Family Residential (20+ feet elevation difference)
West	Transit Maintenance Facility
South	Gas Station and Car Wash
East	Industrial Building

The existing office building is located at the southwestern edge of the lot, set back 10 feet from Main Street, facing east towards the interior of the property. The property has street automobile and pedestrian access from a single driveway on Main Street at the southwestern edge of the site.

3. Design Elements

The project consists of the construction of a new office building and two new storage buildings. The office building reflects a contemporary industrial design with brown decorative parapet trim and polar blue roll-up doors, bronze anodized storefront windows, dark stucco and a tower feature with a standing seam metal finish roof. The office building height ranges from 17 feet to 19 feet with the tower reaching to 31 feet. Storage buildings B and C are functionally designed with exposed concrete walls, steel garage doors and measure 10 feet-8 inches in height.

A new driveway would be added at the southeast corner of the site and additional landscaping materials have been proposed at both driveway entrances. The parking area would be re-paved, with landscaping added to the border. A new fence, main gate and automobile access gate are proposed with the new office building to restrict access to the main storage area. The central portion of the southerly property line of the site is proposed for parking and storage of trucks associated with Savon Storage operations.

4. Development Standards

The development is in accordance with the following criteria:

Assessor's Parcel No.:	623-230-06
Current Zoning	IL-P – Limited Industrial Zone
Proposed Zoning	Same
General Plan	IL – Limited Industrial
Allowable vs. Proposed FAR	50% vs. 33%
Lot Area	4.8 acres

DEVELOPMENT STANDARDS: REQUIRED	PROPOSED
Setbacks (per IL zone) Front Yard: 20 feet Side Yard: none Rear Yard: none (existing storage buildings)	64 feet 0 feet 0 feet
Parking (per CVMC 19.62.050) Storage (1/1000sf) 10 spaces	24 spaces

5. Analysis

The project has been evaluated in accordance with the goals and objectives of the Chula Vista General Plan (2005), the Zoning Ordinance and the City's Design Manual. While the project site is within the Merged Redevelopment Project Area, the Amended and Restated Redevelopment Plan (2004) for this Project Area defers to the City's General Plan and Zoning Ordinance for land use authority. As described above the proposed project is consistent with the land use designation in the General Plan and the development standards for the IL zone.

The guidelines for industrial development in the City's Design Manual are intended to:

Encourage projects which respect the character and scale of adjoining developments, with particular attention to sites in older, mixed-use areas, and sites which adjoin residential neighborhoods or other uses which may be particularly sensitive to the scale and impacts of industrial development.
(CVD M p. IV-1)

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The site design improves the existing building arrangement by placing a new contemporary office building in the central location of the site. Additionally, the enhanced landscaped street frontage will result in an improved developed condition to the site that is sensitive to the scale of the residential development to the north. By maintaining a height not dissimilar to the cityscape to the north, as well as providing vertical wall plane variations that subtly mirror the residential development, the overall project is harmonious with surrounding structures.

Promote a functional and attractive arrangement of buildings, open spaces, parking, circulation and loading areas which are sensitive to the physical characteristics and constraints of the site, and which provide efficient and pleasant places to work. (CVDM p. IV-1)

The site plan and building arrangement is appropriate for the parcel and provides loading and utility areas concealed behind the office building. Taking into account that employees might use public transportation, this site plan provides an effective route for pedestrian access, which leads directly to the new office building. The two access points along Main Street meet the Fire Department's access requirements. The overall landscaping is consistent with City standards and provides a good transition and extension to the adjacent industrial complex located to the east and west of the site. The rear portion of the site is proposed to be maintained in its current condition.

Create a high quality of architectural and landscape design, with an emphasis on functional needs, reducing the apparent mass of large scale buildings, and screening and buffering loading, storage and working areas from incompatible land uses and from the public view. (CVDM p. IV-1)

The new office building provides a centrally located focal point for the site which does not currently exist. The existing condition is primarily asphalt paving and dirt along the street frontage and interior of the lot, with an older office building (to be removed) situated along the west property boundary. The new office building would be designed with vertical elements along the building facade, awnings at the entryways and finished with contrasting earthtone colors and standing seam metal roofing thus providing a much higher quality architectural appearance. On site landscaping would be improved and includes a 10 foot wide landscape median where 3 feet exist today. The majority of loading, storage and working areas are located behind the new office building and would be screened from view.

REDEVELOPMENT FISCAL IMPACT

The proposed project will create an increase in assessed valuation and the Agency will receive one percent of this increase as tax increment revenue. Of the one percent, the Agency will place 20% in the low and moderate income housing fund, 20% to the County of San Diego, 7% to the Sweetwater Union High School District, 2% to Southwestern Community College, 1% to the San Diego County Office of Education, and 11% to the Chula Vista Elementary School District, leaving the Agency approximately 39% percent of the 1% increase in assessed valuation available for redevelopment activities. The pass through percentages are applicable to the Southwest Project area only.

ATTACHMENTS:

Attachment 1: Site and Building Plans

Attachment 2: Development Application with the following appendices:

Appendix A - Project Description and Justification

Appendix B - Disclosure Statement

Appendix C - Development Permit Processing Agreement

PREPARED BY: Mary Ladiana, Planning Manager
Miguel Tapia, Senior Community Development Specialist

APPLICATION ■ DEVELOPMENT PROCESSING ■ TYPE A
Part 1

Type of Review Requested

- ☐ Conditional Use Permit
☒ Design Review
☐ Variance
☐ Special Use Permit (redevelopment area only)
☐ Misc. _____

STAFF USE ONLY

Case: DRC-06-65
Filing Date: 5/26/06 By: SB
Assigned Planner: R. ZUMWALT
Project Account: BL-180
Deposit Account: 1342
Related Cases: N/A
☒ Z.A. ☒ Public Hearing

Application Information

Applicant Name: MESTLER CONSTRUCTION, INC.
Applicant Address: 351 3RD AVE. #4 C.V., CA. 91910
Contact Name: C.A. MESTLER Phone: (619) 851-7700 (CELL)
Applicant's Interest in Property (If applicant is not the owner, the owner's authorization signature at the end of this form is required to process this request.)
☐ Own ☐ Rent ☒ Other: DEVELOPER/CONTRACTOR
Architect/Agent: ROBIN FRANKLIN DESIGN Address: MISSION GORAR
Contact Name: "ROBIN" Phone: (619) 624-0769
Primary contact is: ☒ Applicant ☐ Architect/Agent Email of primary contact: _____

General Project Description (all types)

Project Name: SAV-ON STORAGE Proposed Use: STORAGE FACILITY
General Description of Proposed Project: NEW OFFICE BLDG (REMOVE EXISTING BLDG.)
TWO NEW STORAGE BLDGS (METAL)
Has this project received pre-application review comments? ☒ Yes (Date: _____) ☐ No

Subject Property Information (all types)

Location/Street Address: 3712 MAIN ST.
Assessor's Parcel #: 623-230-06 Total Acreage: _____ Redevelopment Area (if applicable): SN
General Plan Designation: IL Zone Designation: ILP
Planned Community (if applicable): _____
Current Land Use: STORAGE FACILITY Within Montgomery Specific Plan? ☐ Yes ☐ No

Proposed Project (all types)

Type of use proposed: ☐ Residential ☒ Commercial ☐ Industrial ☐ Other: _____
Landscape Coverage (% of lot): _____ Building Coverage (% of lot): _____

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**Residential Project Summary**

Type of dwelling unit(s): _____ Number of lots: _____

Dwelling units:

PROPOSED

EXISTING

1 Bedroom _____

2 Bedroom _____

3+ Bedroom _____

TOTAL _____

Density (DU/acre): _____ Maximum building height: _____ Minimum lot size: _____ Average lot size: _____

Parking Spaces:

Required by code: _____ Provided: _____

Type of parking (i.e. size; whether covered, etc.): _____

Open space description (acres each of private, common, and landscaping): _____

Non-Residential Project SummaryGross floor area: 27,200* Proposed: 27,200* Existing: _____ Building Height: 31'Hours of operation (days & hours): 5 A.M. - 10 P.M.Anticipated number of employees: 4 Maximum number of employees at any one time: 4

Number and ages of students/children (if applicable): _____ Seating capacity: _____

Parking Spaces:Required by code: 14 Provided: 22Type of parking (i.e. size; whether covered, etc.): UNCOVERED; (2) HANDICAP (20) STANDARD*this total includes building D,
NOT PART OF THIS PROPOSAL.***Authorization**Print applicant name: MESTLER CONSTRUCTION, INCApplicant Signature: By: CMestler, Pres. Date: 4/27/06Print owner name: LUCCIANI LTD. PARTNER 5Owner Signature: [Signature] Date: 4/27/06GENERAL PARTNER

*Note: Proof of ownership may be required. Letter of consent may be provided in lieu of signature.

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APPLICATION APPENDIX A *

Project Description & Justification

Project Name: SAV-ON STORAGE

Applicant Name: MESTLER CONSTRUCTION, INC

Please fully describe the proposed project, any and all construction that may be accomplished as a result of approval of this project, and the project's benefits to yourself, the property, the neighborhood, and the City of Chula Vista. Include any details necessary to adequately explain the scope and/or operation of the proposed project. You may include any background information and supporting statements regarding the reasons for, or appropriateness of, the application. Use an addendum sheet if necessary.

For all Conditional Use Permits or Variances, please address the required "findings" as listed in the Application Procedural Guide.

DEMOLISH AND REMOVE EXISTING OLD OFFICE BUILDING
AND BUILD NEW OFFICE BUILDING AND THREE ADDITIONAL
STORAGE BUILDINGS. NEW LANDSCAPING. IMPROVE TRAFFIC
PATTERN FOR FACILITY'S FUNCTIONALITY. MAJOR
IMPROVEMENT TO MAIN STREET.



APPLICATION APPENDIX B

Disclosure Statement

Pursuant to Council Policy 101-01, prior to any action upon matters that will require discretionary action by the Council, Planning Commission and all other official bodies of the City, a statement of disclosure of certain ownership or financial interests, payments, or campaign contributions for a City of Chula Vista election must be filed. The following information must be disclosed:

1. List the names of all persons having a financial interest in the property that is the subject of the application or the contract, e.g., owner, applicant, contractor, subcontractor, material supplier.

TONY LUCIANI
C.A. MESTLER

2. If any person* identified pursuant to (1) above is a corporation or partnership, list the names of all individuals with a \$2000 investment in the business (corporation/partnership) entity.

TONY LUCIANI

3. If any person* identified pursuant to (1) above is a non-profit organization or trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

4. Please identify every person, including any agents, employees, consultants, or independent contractors you have assigned to represent you before the City in this matter.

C.A. MESTLER

5. Has any person* associated with this contract had any financial dealings with an official** of the City of Chula Vista as it relates to this contract within the past 12 months. Yes ☒ No ☐

CHEYL MESTLER

If Yes, briefly describe the nature of the financial interest the official** may have in this contract.

GENERAL CONTRACTOR / DEVELOPER

6. Have you made a contribution of more than \$250 within the past twelve (12) months to a current member of the Chula Vista City Council? No ☒ Yes ☐ If yes, which Council member?

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APPLICATION APPENDIX B

Disclosure Statement – Page 2

7. Have you provided more than \$340 (or an item of equivalent value) to an official** of the City of Chula Vista in the past twelve (12) months? (This includes being a source of income, money to retire a legal debt, gift, loan, etc.)
Yes ___ No ☒

If Yes, which official** and what was the nature of item provided?

Date: 7/27/06

Mestler Const, Inc.
C.A. Mestler, Pres.
Signature of Contractor/Applicant

C.A. MESTLER/MESTLER CONST, INC
Print or
type name of Contractor/Applicant

- * Person is defined as: any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, any other county, city, municipality, district, or other political subdivision, -or any other group or combination acting as a unit.
- ** Official includes, but is not limited to: Mayor, Council member, Planning Commissioner, Member of a board, commission, or committee of the City, employee, or staff members.

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APPLICATION APPENDIX C

Development Permit Processing Agreement

Permit Applicant: NESTLER CONST., INC
Applicant's Address: 351 THIRD AVE., #4, CHULA VISTA, CA 91910
Type of Permit: BUILDING PERMIT
Agreement Date: _____
Deposit Amount: _____ (OR) TONY LUCIAN
3712 MAIN ST.
CHULA VISTA, CA
91911

This Agreement ("Agreement") between the City of Chula Vista, a chartered municipal corporation ("City") and the forenamed applicant for a development permit ("Applicant"), effective as of the Agreement Date set forth above, is made with reference to the following facts:

Whereas, Applicant has applied to the City for a permit of the type aforereferenced ("Permit") which the City has required to be obtained as a condition to permitting Applicant to develop a parcel of property; and,

Whereas, the City will incur expenses in order to process said permit through the various departments and before the various boards and commissions of the City ("Processing Services"); and,

Whereas the purpose of this agreement is to reimburse the City for all expenses it will incur in connection with providing the Processing Services;

Now, therefore, the parties do hereby agree, in exchange for the mutual promises herein contained, as follows:

1. Applicant's Duty to Pay.

Applicant shall pay all of City's expenses incurred in providing Processing Services related to Applicant's Permit, including all of City's direct and overhead costs related thereto. This duty of Applicant shall be referred to herein as "Applicant's Duty to Pay."

1.1. Applicant's Deposit Duty.

As partial performance of Applicant's Duty to Pay, Applicant shall deposit the amount aforereferenced ("Deposit").

1.1.1. City shall charge its lawful expenses incurred in providing Processing Services against Applicant's Deposit. If, after the conclusion of processing Applicant's Permit, any portion of the Deposit remains, City shall return said balance to Applicant without interest thereon. If, during the processing of Applicant's Permit, the amount of the Deposit becomes exhausted, or is imminently likely to become exhausted in the opinion of the City, upon notice of same by City, Applicant shall forthwith provide such additional deposit as City shall calculate as reasonably necessary to continue Processing Services. The duty of Applicant to initially deposit and to supplement said deposit as herein required shall be known as "Applicant's Deposit Duty".

2. City's Duty.

City shall, upon the condition that Applicant is not in breach of Applicant's Duty to Pay or Applicant's Deposit Duty, use good faith to provide processing services in relation to Applicant's Permit application.

2.1. City shall have no liability hereunder to Applicant for the failure to process Applicant's Permit application, or for failure to process Applicant's Permit within the time frame requested by Applicant or estimated by City.

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Development Permit Processing Agreement – Page 2

2.2. By execution of this agreement Applicant shall have no right to the Permit for which Applicant has applied. City shall use its discretion in valuating Applicant's Permit Application without regard to Applicant's promise to pay for the Processing Services, or the execution of the Agreement.

3. Remedies.

3.1. Suspension of Processing

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to suspend and/or withhold the processing of the Permit which is the subject matter of this Agreement, as well as the Permit which may be the subject matter of any other Permit which Applicant has before the City.

3.2. Civil Collection

In addition to all other rights and remedies which the City shall otherwise have at law or equity, the City has the right to collect all sums which are or may become due hereunder by civil action, and upon instituting litigation to collect same, the prevailing party shall be entitled to reasonable attorney's fees and costs.

4. Miscellaneous.

4.1 Notices.

All notices, demands or requests provided for or permitted to be given pursuant to this Agreement must be in writing. All notices, demands and requests to be sent to any party shall be deemed to have been properly given or served if personally served or deposited in the United States mail, addressed to such party, postage prepaid, registered or certified, with return receipt requested at the addresses identified adjacent to the signatures of the parties represented.

4.2 Governing Law/Venue.

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action arising under or relating to this Agreement shall be brought only in the federal or state courts located in San Diego County, State of California, and if applicable, the City of Chula Vista, or as close thereto as possible. Venue for this Agreement, and performance hereunder, shall be the City of Chula Vista.

4.3. Multiple Signatories.

If there are multiple signatories to this agreement on behalf of Applicant, each of such signatories shall be jointly and severally liable for the performance of Applicant's duties herein set forth.

4.4. Signatory Authority.

This signatory to this agreement hereby warrants and represents that he is the duly designated agent for the Applicant and has been duly authorized by the Applicant to execute this Agreement on behalf of the Applicant. Signatory shall be personally liable for Applicant's Duty to Pay and Applicant's Duty to Deposit in the event he has not been authorized to execute this Agreement by Applicant.

4.5 Hold Harmless.

Applicant shall defend, indemnify and hold harmless the City, its elected and appointed officers and employees, from and against any claims, suits, actions or proceedings, judicial or administrative, for writs, orders, injunction or other relief, damages, liability, cost and expense (including without limitation attorneys' fees) arising out of City's actions in processing or issuing Applicant's Permit, or in exercising any discretion related thereto including but not limited to the giving of proper environmental review, the holding of public hearings, the extension of due process rights, except only for those claims, suits, actions or proceedings arising from the sole negligence or sole willful conduct of the City, its officers, or employees known to, but not objected to, by the Applicant. Applicant's indemnification shall include any and all costs, expenses, attorney's fees and liability incurred by the City, its officers, agents, or employees in defending against such claims, whether the same proceed to judgement or not. Further, Applicant, at its own expense, shall, upon written request by the City, defend any such suit or action brought against the City, its officers, agents, or employees. Applicant's indemnification of City shall not be limited by any prior or subsequent declaration by the

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Development Permit Processing Agreement – Page 3

Applicant. At its sole discretion, the City may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition.

4.6 Administrative Claims Requirements and Procedures.

No suit or arbitration shall be brought arising out of this agreement against the City unless a claim has first been presented in writing and filed with the City of Chula Vista and acted upon by the City of Chula Vista in accordance with the procedures set forth in Chapter 1.34 of the Chula Vista Municipal Code, as same may from time to time be amended, the provisions of which are incorporated by this reference as if fully set forth herein, and such policies and procedures used by the City in the implementation of same. Upon request by City, Consultant shall meet and confer in good faith with City for the purpose of resolving any dispute over the terms of this Agreement.

Now therefore, the parties hereto, having read and understood the terms and conditions of this agreement, do hereby express their consent to the terms hereof by setting their hand hereto on the date set forth adjacent thereto.

Dated: 4/27/06

City of Chula Vista
276 Fourth Avenue
Chula Vista, CA

By: M. Condit

Dated: _____

By: _____

CVRC RESOLUTION NO. 2007 _____

RESOLUTION OF THE CHULA VISTA REDEVELOPMENT CORPORATION APPROVING DESIGN REVIEW PERMIT (DRC-06-65) TO ALLOW THE CONSTRUCTION OF 10,400 SQUARE FEET OF OFFICE AND STORAGE SPACE ASSOCIATED WITH THE EXISTING SAVON STORAGE BUSINESS LOCATED AT 3712 MAIN STREET

WHEREAS, the parcel, which is the subject matter of this resolution, is represented in Exhibit A attached hereto and incorporated herein by this reference, and for the purpose of general description is located at 3712 Main Street, Chula Vista; and

WHEREAS, on a duly verified application for a Design Review Permit (DRC-06-65), was filed with the City of Chula Vista on behalf of Mestler Construction, Inc. ("Applicant") to enable the development of a 10,400 square foot office and industrial space associated with the existing SavOn Storage business located at 3712 Main Street ("Project"); and

WHEREAS, the application for Design Review Permit (DRC 06-065) has been reviewed for compliance with the California Environmental Quality Act (CEQA) and based on this review the project qualifies for a Class 32 Categorical Exemption pursuant to Section 15332 (In-fill Development Projects) of the State CEQA Guidelines. Thus, no further environmental review is necessary; and

WHEREAS, a hearing time and place was set by the Chula Vista Redevelopment Corporation for consideration of the Project and notice of said hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City, and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property, at least ten (10) days prior to the hearing; and

WHEREAS, the Chula Vista Redevelopment Corporation (CVRC) held a duly noticed public hearing to consider said application at the time and place as advertised, namely May 24, 2007 at 6:00 p.m. in the Council Chambers, 276 Fourth Avenue, before the Chula Vista Redevelopment Corporation and said hearing was thereafter closed.

WHEREAS, the Chula Vista Redevelopment Corporation considered all reports, evidence, and testimony presented at the public hearing with respect to the application.

NOW, THEREFORE, BE IT RESOLVED that the Chula Vista Redevelopment Corporation does hereby find, determine, and resolve that the Project is in conformance with the City of Chula Vista Design Manual, Landscape Manual and the requirements of the Zoning Ordinance. The project site is within the Merged Redevelopment Project Area. The Amended and Restated Redevelopment Plan (2004) for this Project Area defers to the City's General Plan and Zoning Ordinance for land use regulations.


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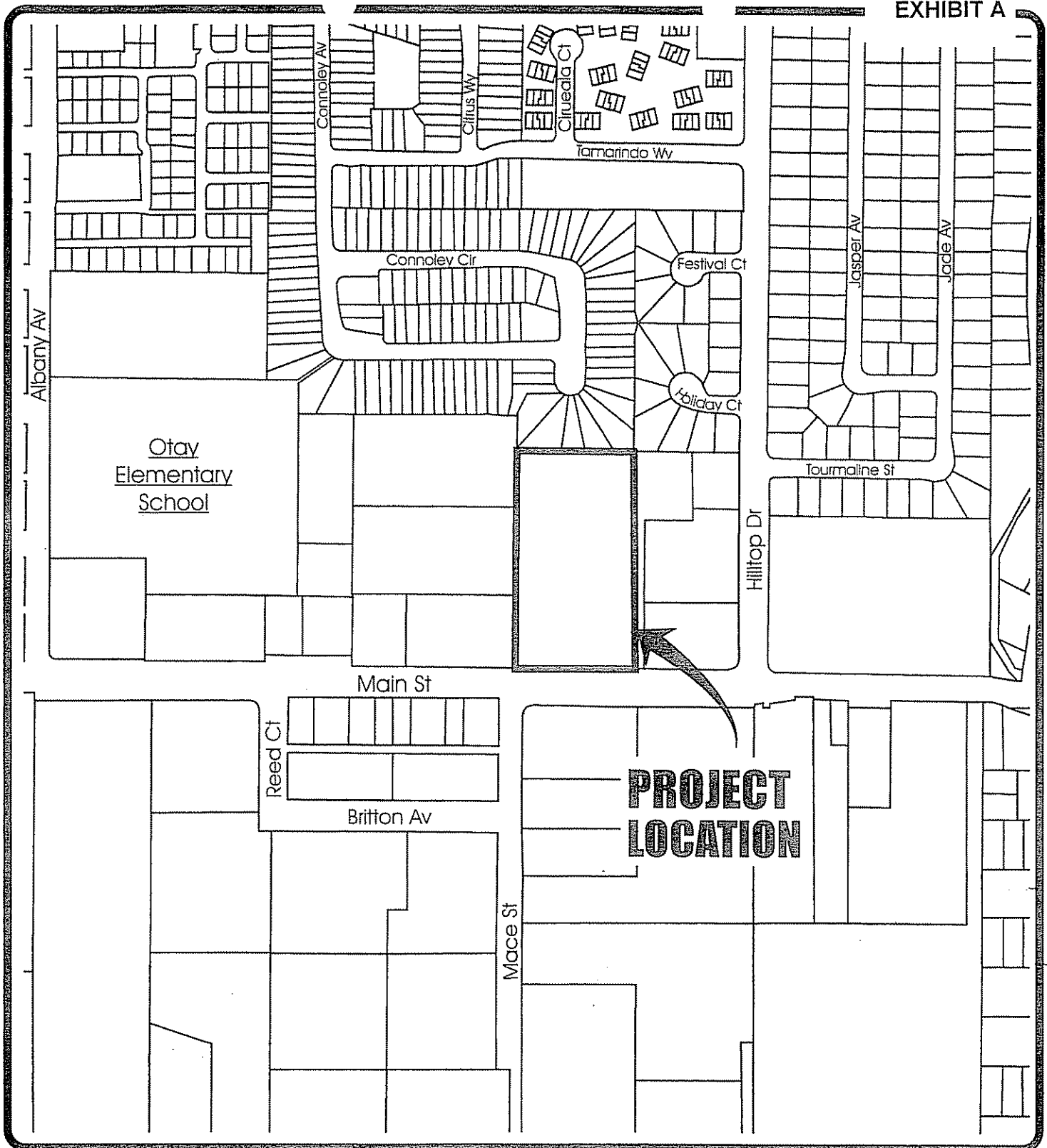
BE IT FURTHER RESOLVED, that the Chula Vista Redevelopment Corporation, after considering all evidence and testimony presented, Approves Design Review Permit (DRC-06-65), subject to the conditions of Exhibit B to allow the construction of a 10,400 square foot office and storage uses associated with the existing SavOn Storage business located at 3712 Main Street.

Presented by

Approved as to form by

Ann Hix
Acting Community Development Director


Ann Moore
General Counsel



CHULA VISTA PLANNING AND BUILDING DEPARTMENT

LOCATOR



NORTH

PROJECT APPLICANT: Mestler Construction Inc.

PROJECT ADDRESS: 3712 Main St. 1A3

SCALE: No Scale

FILE NUMBER: DRC-06-65

DESIGN REVIEW

Project Summary: Proposing new office building, two storage buildings totaling 10,400 sq foot on existing business Sav-on storage.

Related cases:

EXHIBIT B

Design Review Conditions 3712 Main Street

The Chula Vista Redevelopment Corporation does hereby approve Design Review Application DRC-06-65, subject to the following conditions:

1. The subject property shall be maintained in substantial conformance with the approved application, plans, and color and material board, except as modified herein.
2. Applicant shall submit all final interior and exterior design plans, landscape and irrigation plans, solid waste and recycling plans for review and approval prior to the issuance of building permits.
3. The applicant/owner shall comply with all applicable federal, state, and local requirements, and in any case where it does not comply, this permit is subject to modification or revocation.
4. This permit shall become void and ineffective if not used or extended within one year from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
5. This permit shall be subject to any and all new, modified, or deleted conditions imposed after approval of this permit to protect the public from a specific condition dangerous to its health or safety or both due to the project, which condition(s) the City shall impose after advance written notice to the permittee and after the City has given the permittee the right to be heard with regard thereto. However, the City in exercising this reserved right/condition, may not impose a substantial expense or deprive permittee of a substantial revenue source which the permittee cannot, in the normal operation of the use permitted, be expected to economically recover.
6. The applicant shall and does hereby agree to indemnify, protect, defend, and hold harmless the City, its Council members, officers, employees, agents, and representatives from and against all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising directly or indirectly from a) City's approval and issuance of this permit, b) City's approval or issuance of any other permit or action, whether discretionary or non discretionary, in connection with the use contemplated herein, and without limitation, any and all liabilities arising from the operation of the facility. Applicant shall acknowledge their agreement to this provision by executing a copy of this permit where indicated below. The applicant's compliance with this provision is an express condition of this permit and this provision shall be binding on any and all of the applicant's successors and assigns.

1A4

Applicant's Signature

Date

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

7. Prior to issuance of building permits, parking spaces #14 and #15 shall be re-oriented to align with adjacent spaces to eliminate potential vehicle conflicts at new entry. This modification shall be shown on the building plans to the satisfaction of the Community Development Director, or designee.
8. Prior to issuance of building permits, the ADA path connecting the frontage sidewalk to the building's main entrance shall be re-aligned to provide a direct route onto the property. This modification shall be shown on the building plans to the satisfaction of the Community Development Director, or designee.
9. The temporary rental truck parking area located in front of Building "A" shall be screened with a total of 10 feet of landscaping as measured from the existing back of sidewalk.
10. Building "D" is not a part of this permit and will require a future separate design review.
11. Screening of the temporary rental truck drop-off area is required within the front yard setback (i.e., 20 feet from the property line), and shall not exceed 3 1/2 feet in height. The detail of the proposed screening device shall be shown on the landscape development plan at the time of submittal of building permits to the satisfaction of the Community Development Director, or designee.
12. All roof mounted mechanical equipment included with Building "A" shall be clustered and screened and shall take the views from any adjacent uses into consideration.
13. The side elevation of proposed storage Building "B" shall incorporate landscaping treatments consistent with the treatment proposed for screening Building "C" This modification shall be shown on the building plans to the satisfaction of the Community Development Director, or designee.
14. Prior to the issuance of building permits, a sign permit for new signage shall be required and shall include dimensions of wall and freestanding signage on the elevations and type, location, illumination, font style and size, and color of all wall and freestanding (pole) signage. The sign permit shall be reviewed and approved by the Community Development Director, or designee.
15. Prior to issuance of building permits, the site plans shall identify an area for bicycle parking/storage, preferably located directly adjacent to the main entrance.

PLANNING AND BUILDING DEPARTMENT – BUILDING DIVISION CONDITIONS

16. Prior to issuance of building permits, plans must comply with 2001 Handicap Accessibility Requirements, 2001 CBC, CPC and CMC, 2004 CEC and 2005 Energy Requirements. In addition the plans shall comply with Seismic Zone 4, Wind speed 70 mph, and Exposure C standards required.

17. Complete landscape plans shall be provided with the building permit submittal for review and approval of the Landscape Planner.

FIRE DEPARTMENT CONDITIONS

18. Twenty-four foot access at the site entrance and parking lot shall be provided for Fire Department vehicles at all times.

19. Any modifications to the existing Fire Alarm System shall require a separate submittal to the Chula Vista Fire Department Prevention Division.

20. Plans submitted to the Fire Department shall include the location of the nearest fire hydrants.

21. Plan check fees shall be required for verification of existing life safety systems (fire sprinklers, fire alarm and fire hydrants). All fire sprinkler plans and fire alarm plans shall require a separate submittal to the Fire Department.

22. Minimum size Fire Extinguishers shall be 2A10BC and shall be located every 75 feet of travel.

23. Knox Box shall be required for Fire Department access to the building front entrance and fire riser room. Order forms are available through the Fire Department.

24. Policy 2916 (construction site policy for compliance with fire safety provisions) shall be signed and included with submitted plans.

25. Plans shall include information on sprinkler density for this building and include placard information from riser. A water flow analysis shall be required.

GENERAL SERVICES DEPARTMENT CONDITIONS

26. The applicant shall develop and submit a Recycling and Solid Waste Management Plan for construction and demolition debris through to occupancy to the Environmental Services Program Manager for review and approval as part of the permit process. The plan shall

demonstrate those steps the Applicant will take to comply with Municipal Code, including but not limited to Section 8.24, 8.25 and 19.58.340 and meet the State mandate to reduce or divert at least 50% of the waste generated by all residential, commercial and industrial developments (including demolition and construction phases).

27. The applicant shall contract with the City's franchise hauler throughout the construction and occupancy phases of the project.

28. The landscape plan shall include designated street trees for Main Street. The interior slope shall be planted with appropriate plant materials as determined by the Landscape Architecture Division of Public Works.

ENGINEERING CONDITIONS:

29. Prior to the issuance of building permits, Applicant shall obtain a construction permit from the Engineering Department to perform any work required within the public right-of-way which may include, but is not limited to:

- a. Construction of street widening, curb, gutter, and sidewalk along the entire project frontage. Transitions to existing improvements should occur beyond the project frontage and will be approved by the City Engineer.
- b. Construction of driveways meeting design standards as shown in Chula Vista standard detail CVCS-1A.
- c. Installation of pedestrian ramps, if needed.
- d. Sewer, storm drain and other utility connecting to public systems.
- e. All utilities serving the project shall be underground.

30. Approved improvement plans and construction permit is required prior to Engineering releasing the Building Permits for the project.

31. Prior to issuance of building permits, the applicant shall submit street improvement plans and obtain a construction permit in accordance with the City's Subdivision Manual to perform any work in the City's right-of-way, which may include, but is not limited to:

- a) Sewer lateral connections to existing public utilities.
- b) All utilities serving the proposed shall be underground.
- c) The proposed driveways shall be designed per CVCS-1A. Curb openings shall be a minimum 3 feet from any obstructions (i.e. power poles).

32. Applicant shall pay the applicable Engineering fees based on the final plans submitted, including: Sewer Connection and Capacities Fees; Development Impact Fees; and Traffic Signal Fees. Additional deposits and fees, in accordance with the City Subdivision Manual will be required for the submittal of the following items: Grading Plans and Construction Permit.

33. Grading plans, in conformance with the City's Subdivision Manual, and a grading permit will be required prior to issuance of any building permits. The grading plans shall be submitted to the Engineering Department upon approval of the Design Review application.
34. The grading plan shall be prepared by a registered civil engineer and approved by the City Engineer.
35. A drainage study and geotechnical/soils study are required with the first submittal of grading plans. The drainage study shall calculate the pre-developed and post-developed flows and show how downstream properties and storm drain facilities are impacted. Design should incorporate detention of storm water runoff if required.
36. The grading plans shall conform to the City Storm Water Management requirements.
37. All onsite drainage facilities shall be private.
38. Any offsite work will require letters of permission from the property owner.
39. The applicant is required to complete the applicable Storm Water compliance Forms and comply with the City of Chula Vista's Storm Water Management Standards Requirements Manual. These forms shall be submitted with the grading plans. All projects falling under the Priority Department Project Categories are required to comply with the Standard Urban Storm Water Mitigation Plans (SUSMP) and Numeric Sizing Criteria. Based on the completion of the Storm Water Compliance Forms, the project may be required to submit a Storm Water Pollution Prevention Plans (SWPPP) and Water Quality Technical Report (WQTR) with the submittal of the grading plans. The following items shall be incorporated in the grading plans and related reports:
- a. Grading Plans: The applicant is required to implement Best Management Practices (BMPs) to prevent pollution of the storm water conveyance systems, both during and after construction. Permanent storm water requirements shall be incorporated into the project design, and shall be shown on the grading plans. Any construction and non-structural BMPs requirements that cannot be shown graphically must be either noted or stapled on the plans.
 - b. SWPPP and WQTR: Development of the project shall comply with all applicable regulations, established by the United States Environmental Protection Agency (USEPA), as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and storm water discharge, and any regulations adopted by the City of Chula Vista pursuant to the NPDES regulations and requirements. Further, the applicant shall file a Notice of Intent (NOI) with the State Water Resource Control Board to obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction Activity and shall implement a SWPPP concurrent with the commencement of grading activities. The SWPPP shall include both construction and post-construction pollution prevention and pollution control measures, and shall identify funding mechanisms for the maintenance of post-construction control measures.

- c. WQTR: The applicant is required to identify storm water pollutants that are potentially generated at the facility, and propose BMPs that will be implemented to prevent such pollutants from entering the storm drainage systems. The WQTR will be required to demonstrate compliance with the requirements of the NPDES Construction and Municipal Permits, including SUSMP and Numeric Sizing Criteria requirements, with the first submittal of grading/improvements plans, in accordance with the City Manual.

PUBLIC WORKS

40. The applicant shall replace or repair three sections of sidewalk that may cause trip hazard.
41. The applicant shall replace the driveway apron and gutter on the east side of the property that is cracked or broken.
42. The applicant shall cut back existing bushes and maintain them outside of the public right-of-way.
43. The landscape plan shall include only designated street trees along Main Street.

MISCELLANEOUS

44. Prior to issuance of building permits, the applicant shall pay all applicable school fees.
45. Prior to issuance of building permits, the applicant shall receive all necessary approvals from the Sweetwater Authority.